

FILED

April 19 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA



IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003

April 19, 2010

**NOTICE OF DEFICIENT PLEADING**

Supreme Court No.  
DA 09-0602

JOSEPH T. BERLIN and MARTHA M. BERLIN,

Plaintiffs and Appellees,

v.

MAGNOLIA ENTERPRISES, LLC., COLBERT P. HOWELL, BARBARA  
J. HOWELL, NORTHWEST ACCEPTANCE CORP., BARBARA JEAN  
HOWELL as TRUSTEE of the REVOCABLE INTERVIVOS VIRGINIA-BELL  
NEILSON TRUST, and DENNIS DeVAR NEILSON,

Defendants and Appellants.

This office is returning your pleading for non-compliance with the Montana Rules of Appellate Procedure. The Motion to Dismiss must include the signature of the Appellant personally to comply with Rule 16(4), M.R.App.P. Please correct the deficiency and re-submit your pleading to this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH  
Clerk of the Supreme Court